

BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 3 19 89

Bill H 16 S _____ Original bill & history ☒ C

H. Committee on Business & Ec.

Hearing Date(s) 1-6 ☒ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Business & Ind

Hearing Date(s) 1-18 ☒ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE FINAL STATUS

2/28 COMMITTEE REPORT--BILL CONCURRED
 3/03 2ND READING CONCURRED 48 0
 3/06 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
 3/09 SIGNED BY SPEAKER
 3/09 SIGNED BY PRESIDENT
 3/09 TRANSMITTED TO GOVERNOR
 3/13 SIGNED BY GOVERNOR
 CHAPTER NUMBER 68 EFFECTIVE DATE: 3/13/89

HB 14 INTRODUCED BY COBB
TRANSFER FIRE SERVICES TRAINING SCHOOL TO REGENTS

1/02 INTRODUCED
 1/02 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/04 HEARING
 1/05 COMMITTEE REPORT--BILL PASSED
 AND PLACE ON CONSENT CALENDAR
 1/11 3RD READING PASSED 94 0

TRANSMITTED TO SENATE
 1/13 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/18 HEARING
 1/30 COMMITTEE REPORT--BILL CONCURRED
 2/01 2ND READING CONCURRED 49 0
 2/03 3RD READING CONCURRED 45 5

RETURNED TO HOUSE
 2/11 SIGNED BY SPEAKER
 2/13 SIGNED BY PRESIDENT
 2/13 TRANSMITTED TO GOVERNOR
 2/16 SIGNED BY GOVERNOR
 CHAPTER NUMBER 20 EFFECTIVE DATE: 7/01/89

HB 15 INTRODUCED BY KADAS, ET AL.
EXEMPT MOTORBOATS NOT OVER 5 HP FROM FEE IN LIEU OF TAX

12/27 FISCAL NOTE REQUESTED
 1/02 INTRODUCED
 1/02 REFERRED TO TAXATION
 1/04 HEARING
 1/06 FISCAL NOTE RECEIVED
 1/06 FISCAL NOTE PRINTED
 1/12 TABLED IN COMMITTEE

HB 16 INTRODUCED BY DRISCOLL
PERMIT PUBLIC ACCOMMODATIONS TO PROVIDE DISCOUNTS AND PROMOTIONS BASED ON AGE BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

1/02 INTRODUCED
 1/02 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
 1/06 HEARING
 1/07 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/10 2ND READING PASSED AS AMENDED 96 1
 1/12 3RD READING PASSED 95 1

TRANSMITTED TO SENATE

HOUSE FINAL STATUS

1/13 REFERRED TO BUSINESS & INDUSTRY
 1/18 HEARING
 1/19 COMMITTEE REPORT--BILL CONCURRED
 1/21 2ND READING CONCURRED 44 0
 1/24 3RD READING CONCURRED 48 0

RETURNED TO HOUSE
 1/27 SIGNED BY SPEAKER
 1/27 SIGNED BY PRESIDENT
 1/27 TRANSMITTED TO GOVERNOR
 1/31 SIGNED BY GOVERNOR
 CHAPTER NUMBER 3 EFFECTIVE DATE: 10/01/89

HB 17 INTRODUCED BY SQUIRES
AUTHORIZE CITIES AND TOWNS TO APPROPRIATE MONEY RECEIVED FROM FEDERAL OR STATE GOVERNMENT REGARDLESS OF WHEN THE MONEY IS RECEIVED

1/02 INTRODUCED
 1/02 REFERRED TO LOCAL GOVERNMENT
 1/03 HEARING
 1/04 COMMITTEE REPORT--BILL PASSED
 1/05 2ND READING PASSED 95 1
 1/09 3RD READING PASSED 100 0

TRANSMITTED TO SENATE
 1/10 REFERRED TO FINANCE & CLAIMS
 1/20 REREFERRED TO LOCAL GOVERNMENT
 1/31 HEARING
 2/08 COMMITTEE REPORT--BILL CONCURRED
 2/10 2ND READING CONCURRED 48 0
 2/13 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
 2/20 SIGNED BY SPEAKER
 2/21 SIGNED BY PRESIDENT
 2/21 TRANSMITTED TO GOVERNOR
 2/24 SIGNED BY GOVERNOR
 CHAPTER NUMBER 32 EFFECTIVE DATE: 10/01/89

HB 18 INTRODUCED BY SWYSGOOD
TRANSFER AGRICULTURE DEVELOPMENT COUNCIL TO AGRICULTURE DEPARTMENT

12/27 FISCAL NOTE REQUESTED
 1/02 INTRODUCED
 1/02 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 1/04 FISCAL NOTE RECEIVED
 1/06 HEARING
 1/06 FISCAL NOTE PRINTED
 1/10 COMMITTEE REPORT--BILL PASSED AS AMENDED
 AND PLACED ON CONSENT CALENDAR
 1/14 3RD READING PASSED 96 0

TRANSMITTED TO SENATE
 1/16 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
 1/20 HEARING
 1/21 COMMITTEE REPORT--BILL CONCURRED
 1/25 2ND READING CONCURRED 50 0
 1/27 3RD READING CONCURRED 47 1

HOUSE BILL NO. 16INTRODUCED BY DRISCOLL

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING PUBLIC ACCOMMODATIONS TO PROVIDE SPECIAL BENEFITS, INCENTIVES, DISCOUNTS, AND PROMOTIONS FOR PERSONS 60 YEARS OF AGE OR OLDER AND FOR MINORS; AND AMENDING SECTION 49-2-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-2-304, MCA, is amended to read:**"49-2-304. Discrimination in public accommodations.**

(1) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, agent, or employee of a public accommodation:

(1)(a) to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages, or privileges because of sex, race, age, physical or mental handicap, creed, religion, color, or national origin;

(2)(b) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or

denied to a person of a certain race, creed, religion, sex, age, physical or mental handicap, color, or national origin.

(2) Nothing in this section prohibits public accommodations from giving or providing special benefits, incentives, discounts, or promotions for the benefit of individuals 60 years of age or older or for minors."

Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

Ann Mc Intyre
#1

EXHIBIT 1
DATE 11/6/89
HB 16

TESTIMONY IN SUPPORT OF HOUSE BILL 16
HOUSE BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Chairman Pavlovich, members of the House Business and
Economic Development Committee:

The Human Rights Act, at section 49-2-304, MCA, prohibits discrimination by "public accommodations" based on a number of factors, including race, sex, age, handicap, and religion. The term "public accommodation" is a defined term in the Act and includes any "place which caters or offers its services, goods, or facilities to the general public subject only to the conditions and limitations established by law and applicable to all persons alike." The term includes restaurants, hotels, bars, barbershops, beauty parlors, theaters, swimming pools, transportation companies, and hospitals, as well as "all other public amusement and business establishments." § 49-2-101 (17), MCA.

The existing law makes the commonly accepted practice of offering discounts for senior citizens and children illegal. The purpose of House Bill 16 is to establish an exception to the general prohibition against discrimination based on age by public accommodations. Providing special benefits for our honored citizens and for children is not the type of invidious discrimination the civil rights laws were designed to prohibit. We should change our law to make sure that the good faith efforts of businesses to provide these special benefits are not illegal. Therefore, I request the committee recommend this bill do pass.

STATUS SHEET

51st LEGISLATIVE SESSION

Business & Economic Development COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
HB 16	1/2	1/6	1/6			1/6					
19	1/2	1/5	1/2			1/2					
94	1/9	1/12	1/17			1/17					
120	1/12	1/17	1/17	1/17							
129	↓	1/19	1/19			1/19					
130	↓	1/19	1/19			1/19					
132	↓	1/17	1/17	1/17							
150	1/13	1/19	1/19			1/19					
151	1/13	1/18	2/8			2/8					
191	1/16	1/25	2/8			2/8					
198	1/17	1/20	1/24		1/24						
199	↓	1/20	1/20			1/20					
209	↓	2/3	2/3			2/3					
220	1/17	1/20	1/20	1/20							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Bob Pavlovich, on January 6, 1989, at
10:05 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: Andy Poole, acting Director of
the Department of Commerce introduced himself and
pledged the department's assistance.

HEARING ON HOUSE BILL 16

Presentation and Opening Statement by Sponsor: Jerry
Driscoll, District 92, stated that this bill was
intended to protect businesses from unintentional
violation of laws proscribing discrimination against
senior citizens and minors.

List of Testifying Proponents and What Group they Represent:

Anne MacIntyre, Helena, Human Rights Division

List of Testifying Opponents and What Group They Represent:

None

Testimony:

See the attached exhibit for Ms. MacIntyre's testimony.

Questions From Committee Members: There were questions from
Representatives Thomas, Kilpatrick, and Bachini which
Ms. MacIntyre answered. Rep. Thomas asked Rep.
Driscoll if he would object to changing the wording to
read "persons of all ages" rather than only senior
citizens 60 years or older and minor children. Rep.
Driscoll stated that he had no problems with this.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Page 2 of 2

January 6, 1989

Closing by Sponsor: Rep. Driscoll reiterated what they wanted to do through this bill.

DISPOSITION OF HOUSE BILL 16

Discussion: None

Amendments and Votes: Rep. Thomas made a motion to amend HB 16 to make it apply to persons of all ages, the committee as a whole seconded the motion

Recommendation and Votes: The above amendment approved unanimously.

DISPOSITION OF HOUSE BILL 16

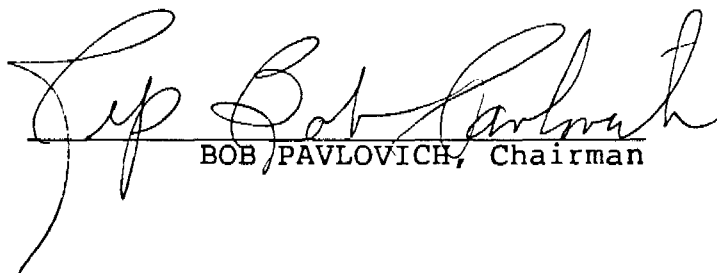
Discussion: Chairman Pavlovich referred HB 16 to a subcommittee consisting of Rep. Bachini, chairman, and Reps. Blotkamp and Wallin.

Amendments and Votes: None

Recommendations and Vote: None

ADJOURNMENT

Adjournment At: 10:15 a.m.


BOB PAVLOVICH, Chairman

BP/sp

0503.min

HB 16

DAILY ROLL CALL

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 1/6/89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	X		
DeMARS, GENE			
BACHINI, BOB			
BLOTKAMP, ROB			
HANSEN, STELLA JEAN			
JOHNSON, JOHN			
KILPATRICK, TOM			
MCCORMICK, LLOYD "MAC"			
STEPPLER, DON			
GLASER, BILL			
KELLER, VERNON			
NELSON, THOMAS			
SIMON, BRUCE			
SMITH, CLYDE			
THOMAS, FRED			
WALLIN, NORM			
PAUL VERDON	✓		

ROLL CALL VOTE

BUSINESS & ECONOMIC DEVELOPMENT

COMMITTEE

DATE 1/6/89 BILL NO. HB ~~18~~ 16 NUMBER

[illegible]

TALLY

16

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: Passed as amended.

STANDING COMMITTEE REPORT

January 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that HB16 (first reading copy -- white) do pass as amended.

Signed: _____
Robert Pavlovich, Chairman

And that such amendments read:

1. Title, line 7.

Following: "PERSONS"

Strike: The remainder of line 7 and line 8 through "MINORS"

Insert: "OF ANY AGE"

2. Page 2, line 6.

Following: "individuals"

Strike: The remainder of line 6 through "minors"

Insert: "of any age"

1/6/89
for 2:05 pm

Amendments to House Bill No. 16
First Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
January 6, 1989

1. Title, line 7.

Following: "PERSONS"

Strike: The remainder of line 7 and line 8 through "MINORS"

Insert: "OF ANY AGE"

2. Page 2, line 6.

Following: "individuals"

Strike: The remainder of line 6 through "minors"

Insert: "of any age"

VISITORS' REGISTER

Business & Economic Dev. COMMITTEE

BILL NO.

1016

DATE _____

11/6/89

SPONSOR

J. Driscoll

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

House Bills

STATUS SHEET

51st LEGISLATIVE SESSION

Business and Industry

COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
<i>HB 3</i>	<i>1/16</i>	<i>1/19</i>	<i>1/19</i>							<i>1/19</i>	
<i>HB 16</i>	<i>1/13</i>	<i>1/18</i>	<i>1/18</i>					<i>1/18</i>			
<i>HB 19</i>	<i>1/19</i>	<i>1/24</i>	<i>1/24</i>							<i>1/24</i>	
<i>HB 36</i>	<i>1/18</i>	<i>1/24</i>	<i>1/24</i>					<i>1/24</i>			
<i>HB 129</i>	<i>1/25</i>	<i>1/27</i>	<i>1/27</i>							<i>1/27</i>	
<i>HB 130</i>	<i>1/25</i>	<i>1/27</i>	<i>1/27</i>					<i>1/27</i>			
<i>HB 150</i>	<i>1/25</i>	<i>1/27 1/30</i>	<i>2/3</i>							<i>2/3</i>	
<i>HB 151</i>	<i>2/14</i>	<i>3/6</i>	<i>3/8</i>					<i>3/8</i>			
<i>HB 191</i>	<i>2/14</i>	<i>3/6</i>	<i>3/8</i>						<i>3/8</i>		
<i>HB 199</i>	<i>1/27</i>	<i>2/2</i>	<i>2/2</i>					<i>2/2</i>			
<i>HB 209</i>	<i>2/10</i>	<i>3/1</i>	<i>3/2</i>						<i>3/2</i>		
<i>HB 218</i>	<i>2/2</i>	<i>3/7</i>	<i>3/2</i>					<i>3/7</i>			
<i>HB 220</i>	<i>1/27</i>	<i>3/21 3/17</i>	<i>3/31</i>						<i>3/20</i>		
<i>HB 247</i>	<i>2/13</i>	<i>3/28</i>	<i>3/2 3/3 3/10</i>							<i>3/10</i>	
<i>HB 240</i>	<i>3/28</i>	<i>4/5</i>	<i>4/7</i>								

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

HEARING ON HOUSE BILL 16

Presentation and Opening Statement by Sponsor:

Representative Driscoll, House District 92, stated House Bill 16 dealt with legalizing benefits and discounts for senior citizens or any other group. The bill was drafted to deal with laws concerning public accomodations.

List of Testifying Proponents and What Group They Represent:

Ann MacIntyre - Human Rights Commission

List of Testifying Opponents and What Group They Represent:

None

Testimony: Ann MacIntyre said the bill was recommended by the Human Rights Commission. She cited the bill as addressing the situation of offering discounts or benefits to senior citizens. She pointed out hospitals and transportation as two entities already offering discounts or benefits to senior citizens. MacIntyre felt the discounts or benefits may be in violation of the existing law. She urged passage of House Bill 16, as it would legalize such practices.

Questions From Committee Members: None

Closing by Sponsor: Representative Driscoll requested the committee's passage, and asked Senator Lynch to carry the bill through the Senate.

DISPOSITION OF HOUSE BILL 16

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Lynch moved House Bill 16 Be Concurred In. Senator McLane seconded. The vote was unanimous.

DISPOSITION OF SENATE BILL 87

Discussion: Mary McCue explained, she had a set of proposed amendments and a copy of Mr. Goe's suggestions for amending the bill. She pointed out the statement of intent referred to a family member living in the home, while the statute did not make that same

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

DATE 1-18-89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
<u>SENATOR DARRYL MEYER</u>	✓		
<u>SENATOR PAUL BOYLAN</u>	✓		
<u>SENATOR JERRY NOBLE</u>	✓		
<u>SENATOR BOB WILLIAMS</u>	✓		
<u>SENATOR TOM HAGER</u>	✓		
<u>SENATOR HARRY MC LANE</u>	✓		
<u>SENATOR CECIL WEEDING</u>	✓		
<u>SENATOR JOHN "J.D." LYNCH</u>	✓		
<u>SENATOR GENE THAYER</u>	✓		

Each day attach to minutes.

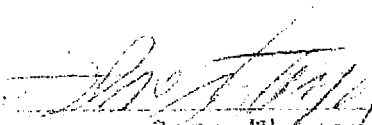
STANDING COMMITTEE REPORT

January 18, 1989

MR. PRESIDENT:

We, your committee on Business and Industry, having had under consideration HB 16 (third reading copy -- blue), respectfully report that HB 16 be concurred in.

BE CONCURRED IN

Signed: 

Gene Thayer, Chairman